

REMARKS

Claims 1-20 are pending in the subject application. After entry of the above amendments to the claims, claims 1-17 and 19 have been amended. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the above amendments and remarks as set forth herein below.

1. Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

Claims 1, 17 and 19 have been amended to remove the limitation of “template-less” or “without a template” in response thereto.

2. Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

Claim 1 has been amended in response thereto.

3. Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lemelson et al. (U.S. 5,945,656) in view of Schwartz et al. (U.S. 6,095,418), Gabritsos et al. (U.S. 4,570,250) and Nakazawa (U.S. 5,852,288) or Ueno (U.S. 6,170,750). This rejection is respectfully traversed.

Regarding claims 1-16, none of the references cited by the Examiner disclose the combination of the surface of the page and the spine of the book providing guiding for a hand

held scanning/reading device according to the claimed invention. Specifically, Lemelson *et al.* requires a separate guide 8 for locating and guiding the code scanner/reader apparatus 60, and the bar code 4 is located along the outside edge, not the bound inner edge of the book 2. Schwartz *et al.* discloses a document having a bar code read by a picture-type scanner that does not require a page guiding arrangement, but may require a distance locator (Z-axis). Gabritsos *et al.* discloses a page 10 having a guide 14 at its lower edge unlike the claimed arrangement. Nakazawa discloses scanning a sheet having a bar code formed thereon, and the bar code being read by an image sensor, but does not disclose a book having the claimed arrangement. Ueno discloses a scan guide plate-like member 100 for guiding a reading apparatus 11. Again, none of these references disclose a book utilizes the surface of the page and the spine or spine edge of the book for guiding a scanning/reading device.

Regarding claims 17-20, none of the cited references disclose utilizing the surface and edge of a page or document in combination for guiding a hand held scanning/reading device. Again Lemelson *et al.* uses a guide/template configuration, Schwartz *et al.* does not require a guide, Gabritsos *et al.* utilizes a page provided with a lower guide, Nakazawa *et al.* discloses contact, but no row or column guidance of the scanning apparatus, and Ueno utilizes a scan guiding plate-like member having windows.

The Examiner states that “it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention to have manufactured the hand held device in the book portion of Lemelson with a guide edges of Gabritsos *et al.* instead of the template (8) since they carry out the same function and are therefore are recognized equivalents and the selection of any

of these known equivalents to guide a hand held reader along a page would have been within the level of ordinary skill in the art. Again, neither Lemelson nor Gabritsos *et al.* disclose utilizing the spine of a book or the edge of a page or document to guide a scanning device. Further, Lemelson requires a guide or template 8 and Gabritsos *et al.* requires the guide 14. The present invention eliminates the need for an added or add-on guide of the type disclosed by Gabritsos *et al.* Thus, Lemelson and Gabritsos alone or in combination do not teach or suggest the claimed invention.

Further, the Examiner states that “it would have been obvious to one skilled in the art to utilize a construction with the scanner/reader of Lemelson being one such that a 2-D bar coder may be read, especially since Lemelson clearly uses a contact type scanner/reader and makes no distinction of whether his bar code is one-dimensional or multi-dimensional and the use of a 2-D bar code would have been obvious as it would only depend on the amount of information to be encoded.”

Nakazawa *et al.* does not disclose any row or column guidance of the scanner apparatus the same or similar to the claimed book binding or edge of a page or document. The bar code of Lemelson is clearly shown to be a one-dimensional bar code as shown in Figures 1 and 2, not a 2-dimensional bar code. Thus, Nakazawa *and* Ueno add no relevant teachings to Lemelson and Gabritsos.

Even further, the Examiner states “it would have been obvious to one having ordinary skill in the art at the time of the claimed invention to place the Braille type bar code in any

location on the page since it would only depend on the intended use of the assembly and the desired information to be displayed and since Lemelson states that the bar code of his invention may be placed in rows or columns anywhere on the pages provided that is not interfering with the printed text.” Again, none of the cited references disclose a scanning/reading device being guided by the surface of the page (Z-axis) and guided transversely (row or column, X or Y-axis) by a book binding or edge of a page or document according to the claimed invention. The particular location of the bar code according to the claimed invention is important when utilizing the book binding or edge of the page of document for guidance of the scanning/reading device. Only through improper hindsight would it be obvious to locate the bar code at the claimed location in combination with the guidance effects provided by the book binding and edge of the page or document. Furthermore, Applicant is not relying on only the position of the Braille type code for patentability in the claimed combination.

The Examiner even further states “that it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention to have manufactured the bar code of Braille as a two or three-dimensional bar code for the purpose of holding varying amounts of information and since the Examiner takes official notice that such bar construction is well-known in the art.” The claimed combination is limited to a two-dimensional type bar code in combination with other guidance features. This is a preferred embodiment of the disclosed invention.

In conclusion, the cited references to Lemelson, Gabritsos *et al.*, Schwartz *et al.*, Nakazawa *et al.*, and Ueno, alone or in combination do not teach or suggest the claimed invention.

4. *Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz in view of Lemelson and Nakazawa. This rejection is respectfully traversed.*

Again, Schwartz discloses a book page 44 having a symbol 42 read by a picture-type scanner/decoder 46 not requiring any guidance on the page. Lemelson discloses a guide 8 for scanning a one-dimensional bar code.

The Examiner states that “it would have been obvious to place the bar code of Schwartz in a margin location or another location so as to not to interfere with the printed matter of the pages.” Lemelson and Schwartz *et al.* alone or in combination do not teach or suggest the claimed combination, since Schwartz *et al.* discloses a contactless and guideless scanner/decoder and Lemelson *et al.* requires a separate guide. Further, it is noted that the bar code 42 shown in Figure 3 of Schwartz *et al.* is in the lower margin thereof.

Regarding Nakazawa the Examiner states that “it would have been obvious to utilize the scanner/reader of Nakazawa in the system of Schwartz for the purpose of scanning a wide bar code without having to increase the size and length of the scanner/reader device.” The bar code scanning apparatus of Nakazawa *et al.* is for reading a bar code wider than the width of the opening or window of a scanner, thus, a wide bar code can be scanned without the bar code

scanning apparatus increasing in width and length. As shown in Figure 12, the width of the bar code is wider than the window of the scanner. In the event the bar code is located along the edge of a page, the scanner of Nakazawa *et al.* would actually emit a beam off the edge of the paper that is not useful or relevant with respect to the claimed invention. Neither Schwartz *et al.* nor Nakazawa *et al.* disclose utilizing a contact type-scanning device in combination with using the book binding or edge of the page or document as an X-axis and Y-axis guidance arrangement. Only through improper hindsight would the scanning apparatus of Nakazawa *et al.* be utilized with a bar code located along the edge of a book spine or edge of a page or document, since such usage is not suggested (i.e. part of beam goes off page), or interferes with use (part of beam scans preceding page or cover page while scanning the desired page). Specifically, the claimed combination precludes use of the Nakazawa *et al.* scanner arrangement, since use of the edge of the scanner housing as a guide places part of the beam off the page being scanned defeating the purpose of that scanner.

The Examiner further states that “it would have been obvious to one having ordinary skill in the art at the time of the claimed invention to place the Braille type bar code in any location on the page since it would only depend on the intended use of the assembly and the desired information to be displayed and since the teachings of Lemelson state that the bar code of his invention may be placed in rows or columns anywhere in the pages provided that it does not interfere with the printed text. Further, it has been held that when the plain printed matter is not functionally related to the substraight it will not distinguish the invention from the prior art in terms of patentability.”

The location of the bar code in the claimed invention is specific so that the bar code is properly scanned when the scanning/reading device is guided along the page in the X, Y and Z-axis. The Z-axis is fixed, since the claimed combination utilizes a contact-type scanning arrangement. The location of the bar code in Schwartz (i.e. bottom margin) and in Lemelson (i.e. right side margin) are not in a proper location for the book embodiment set forth in claims 1-16. Furthermore, attempting to utilize the scanner of Nakazawa *et al.* in the document or book page of Schwartz *et al.* is not suggested, since the scanning apparatus of Nakazawa *et al.* deals with scanning a wider bar code than the width of the scanner head. Again, attempting to scan a bar code located in the margin and along the edge of a page or document as set forth in the claimed combination of claims 18-19 is not suggested, since the width of the beam would go off the edge of the paper, and either adding no improvement or even possible disfunctioning of the scanning device of Nakazawa *et al.*

In view of the above amendments and remarks, it is believed that the claims are in condition for allowance and allowance is respectfully requested.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment to our Deposit Account No. 11-1243.

Respectfully submitted

KLIMA LAW OFFICES, P.L.L.C.

A handwritten signature in black ink, appearing to read "William L. Klima".

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